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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,288	07/20/2001	Hiroaki Kitano	450100-3752.1	1721

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EXAMINER

NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,288

Applicant(s)

KITANO ET AL.

Examiner

Steven HD Nguyen

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/11/04 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouve (USP 5682525) in view of Numagani (USP 5155774).

Regarding claims 1-3 and 5, Bouve discloses (Figs 1-12 and col. 1, lines 5 to col. 14, lines 55) an information retrieval apparatus (Fig 1, Ref 20) for retrieving information from a remote data base (Fig 1, ref 12), said remote data base comprising image information for a plurality of images and at least corresponding location data (col. 1, lines 60 to col. 3, lines 52) comprising location detection means for detecting a current position location of said information retrieval apparatus (col. 10, lines 60 to col. 11, lines 14); selecting means for selecting from said remote database a plurality of image information corresponding to images defined, in accordance

Art Unit: 2665

with said corresponding location data, as being located within a predefined proximity to the current position location of the information retrieval apparatus (Fig 1, Ref 10 has a selecting means for selecting data from the database 12 which corresponding the current position of the mobile device wherein the selected data has a geographic vicinity of the current detected position of the mobile device including the items of interest which uses to retrieve additional information; Col. 11, lines 3-14 and col. 2, lines 10-63); imaging means for obtaining an image at the current position location of the information retrieval apparatus (Col. 13, lines 50 to col. 14, lines 19); reception means for receiving the image data and at least the corresponding location data via a computer network (Fig 1) and reception means has a portable telephone function and is connected to the computer network via a telephone line (Fig 8). However, Bouve fails to disclose comparison means for comparing said obtained image to said image data information of said plurality of image information corresponding to said selected images. In the same field of endeavor, Numagami discloses comparison means for comparing said obtained image to said image data information of said plurality of image information corresponding to said selected images (See col. 2, lines 23-50).

Since, Numagami suggests the use of comparing a captured image and retrieved image from database in order to provide an exact match between the images. Bouve suggests a camcorder, video capture and digital devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply comparing the captured and retrieved images to select a image corresponding with the location as disclosed by Numagami's system into Bouve's system. The motivation would have been to reduce error and provide a user-friendly interface.

Art Unit: 2665

Regarding claim 6, Bouve discloses (Figs 1-12 and col. 1, lines 5 to col. 14, lines 55) an information retrieval apparatus (Fig 1, Ref 20) for retrieving information from a remote data base (Fig 1, ref 12), said remote data base comprising image information for a plurality of images and at least corresponding location data (col. 1, lines 60 to col. 3, lines 52) comprising location detection means for detecting a current position location of said information retrieval apparatus; transmitting means for transmitting said detected current position location to the remote data base (col. 10, lines 60 to col. 11, lines 14); selection means for selecting from said remote database a plurality of image information corresponding to images defined, in accordance with said corresponding location data as being located within a predefined proximity to the current position location of the information retrieval apparatus (Col. 11, lines 3-14); imaging means for obtaining an image at the current position location of the information retrieval apparatus (Col. 13, lines 50 to col. 14, lines 19); first receiving means for receiving designation information corresponding to said matching image for retrieving additional information corresponding to said obtained image (Fig 1, Ref 10 has a selecting means for selecting data from the database 12 which corresponding the current position of the mobile device wherein the selected data has a geographic vicinity of the current detected position of the mobile device including the items of interest which uses to retrieve additional information; Col. 11, lines 3-14 and col. 2, lines 10-63), checking means for checking whether user's manual operation is needed to acquire said additional information corresponding to said designation information; second receiving means for receiving additional information based on the designation information; and displaying means for displaying said additional information (Col. 13, lines 50 to col. 14, lines 19 for checking if the user click "manual operation" one of the designation information to acquire the additional

Art Unit: 2665

information from the database, See Fig 12). However, Bouve fails to disclose comparison means for comparing said obtained image to said image information of said plurality of image information corresponding to said selected images to determine a matching image. In the same field of endeavor, Numagami discloses comparison means for comparing said obtained image to said image information of said plurality of image information corresponding to said selected images to determine a matching image (See col. 2, lines 23-50).

Since, Numagami suggests the use of comparing a captured image and retrieved image from database in order to provide an exact match between the images. Bouve suggests a camcorder, video capture and digital devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply comparing the captured and retrieved images to select a image corresponding with the location as disclosed by Numagami's system into Bouve's system. The motivation would have been to reduce error and provide a user-friendly interface.

Regarding claims 7-10, Bouve discloses (Figs 1-12 and col. 1, lines 5 to col. 14, lines 55) an information retrieval apparatus (Fig 1, Ref 20) for retrieving information from a remote data base (Fig 1, ref 12), said remote data base comprising image information for a plurality of images and at least corresponding location data (col. 1, lines 60 to col. 3, lines 52) comprising location detection means for detecting a current position location of said information retrieval apparatus; transmitting means for transmitting said detected current position location to the remote data base (col. 10, lines 60 to col. 11, lines 14); selection means for selecting from said remote database a plurality of image information corresponding to images defined, in accordance with said corresponding location data as being located within a predefined proximity to the

Art Unit: 2665

current position location of the information retrieval apparatus (Fig 1, Ref 10 has a selecting means for selecting data from the database 12 which corresponding the current position of the mobile device wherein the selected data has a geographic vicinity of the current detected position of the mobile device including the items of interest which uses to retrieve additional information; Col. 11, lines 3-14 and col. 2, lines 10-63); imaging means for obtaining an image at the current position location of the information retrieval apparatus (Col. 13, lines 50 to col. 14, lines 19). However, Bouve fails to disclose comparison means for comparing said obtained image to said image information of said plurality of image information corresponding to said selected images; and checking means for checking a match between said received image and said obtained image. In the same field of endeavor, Numagami discloses comparison means for comparing said obtained image to said image information of said plurality of image information corresponding to said selected images; and checking means for checking a match between said received image and said obtained image (See col. 2, lines 23-50).

Since, Numagami suggests the use of comparing a captured image and retrieved image from database in order to provide an exact match between the images. Bouve suggests a camcorder, video capture and digital devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply comparing the captured and retrieved images to select a image corresponding with the location as disclosed by Numagami's system into Bouve's system. The motivation would have been to reduce error and provide a user-friendly interface.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bouve and Numagami as applied to claim 1 above, and further in view of Hudetz (USP 5978773).

Regarding claim 4, Bouve and Numagami do not disclose the claimed invention. In the same field of endeavor, Hudetz discloses a method and apparatus for retrieving the internet address of a product by using UPC code on a product by a digital device and click on the button to access the designated information (Read on the corresponding location data is a URL for specifying information stored in a server of a world wide web build up on the Internet; See Fig 1, 4 and 6).

Since, Bouve suggests that the user can access addition information by click on the selected item. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method of associating an URL with the request information in order to allow the user to access additional information as disclosed by Hudetz's system and method into Bouve's system. The motivation would have been to reduce error and provide a user-friendly interface.

5. Claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouve and Numagami as applied to claims 1 and 5-10 above, and further in view of Leone (USP 5745360).

Bouve and Numagami fail to fully disclose the claimed invention. However, in the same field of endeavor, Leon discloses determines one of said selected images matches said obtained image additional information corresponding to said one of said selected images is provided (Fig 4 and Fig 7 disclose a method for identifying a topic and URL corresponding to the topic and using them to generate a HTML page for transmitting to the user; See col. 2, lines 4-19).

Since, Bouve suggests page including additional link and image. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for identifying the topic and embedding URL into the topic such

Art Unit: 2665

image for allowing the user to access additional information as disclosed by Leon's system. The motivation would have been to reduce error and provide a user-friendly interface.

Response to Arguments

6. Applicant's arguments filed 5/5/04 have been fully considered but they are not persuasive.

In response to pages 14-16, the applicant states that Bouve and Numagami fail to disclose the select means and comparing means. In reply, Bouve disclose a method and system for retrieving the information in a remote database, which includes the images, and addition information based on the location data. Numagami discloses a method and system for capturing an image and obtaining a location of the image, which is used to retrieve the images in the map database. Then comparing the obtained image with the retrieved images from database in order to display the matching image.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2665

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven HD Nguyen
Primary Examiner
Art Unit 2665
6/12/04